IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 09.10.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice S.TAMILVANAN

Habeas Corpus Petition No.852 of 2006

N.S.Arunachalam ... Petitioner

Vs.

1.The Superintendent of Police,
Villupuram, Villupuram District.

2.The Inspector of Police,
Kandatchipuram Pulice Station,
Tirukoilur Taluk,
Villupuram District.

3.Uma Rani .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct respondents 1 and 2 to register the petitioner's complaint and inquire and produce the body of the minor child viz., Devibala and hand over the custody of the minor child to the petitioner.

For Petitioner : Mr.S.Srinath
For Respondents 1 & 2 : Mr.M.Babu Muthu Meeran,
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, by name N.S.Arunachalm, has filed this petition seeking direction to respondents 1 and 2 to register the petitioner's complaint and inquire and produce the body of the minor child viz., Devibala and hand over her custody to the petitioner.

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2. On instruction, the learned Additional Public Prosecutor informed this Court that no complaint has been made by the petitioner to the second respondent. It is also brought to our notice that the petitioner has filed HMOP No.25 of 2002 on the file of the Principal Sub Court, Villupuram, against the third respondent, who is none else than his wife, for divorce. It is not in dispute that by an order dated 23.10.2002 divorce was granted and his petition was allowed. No doubt it is an ex-parte order.

3. In view of the statement of the Additional Public Prosecutor regarding the fact that the petitioner has not made a complaint to the second respondent and also of the fact that he has already obtained a decree for divorce from the concerned Court, the petitioner is free to make proper complaint highlighting all the details to the second respondent. If any such complaint is made, the second respondent is duty bound to investigate the same according to law. Likewise the petitioner is also free to move appropriate Court for the custody of his minor child.

4. With the above observations, this petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

raa

To
1.The Superintendent of Police, Villupuram, Villupuram District.

2.The Inspector of Police, Kandatchipuram Pulice Station,Tirukoilur Taluk, Villupuram District.

3. The Public Prosecutor, High Court, Madras.
+ 1 CC To Mr. S.Srinath, Advocate SR NO. 47265

HCP. No.852 of 2006
09.10.2006

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